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8 UNITED STATES DISTRICT COURT
9 DISTRICT OF NEVADA

10 FARMERS INSURANCE EXCHANGE,
as subrogee of Doug Ansell,

11 Plaintiff,

12 vs.

13 TOTO USA, INC. a Georgia corporation;
14 CHRISTOPHER HOMES, LLC, a Nevada
company; DOES I – X, inclusive, and
15 ROE CORPORATIONS I – X, inclusive

16 Defendants.

Case No. 2:17-cv-02906-APG-PAL

**STIPULATED MOTION AND
ORDER TO AMEND DISCOVERY
PLAN AND SCHEDULING ORDER
(First Request)**

17 Plaintiff, FARMERS INSURANCE EXCHANGE (“Plaintiff” or “Farmers”), and
18 Defendant, TOTO USA, INC. (“Defendant”) (collectively, the “Parties”), by and through
19 their undersigned counsel, hereby stipulate and agree, pursuant to FRCP 6(b), FRCP
20 29(b) and LR IA 6-1, to amend the current discovery plan. ***This is the first request for***
21 ***an amendment of the discovery plan in this matter.*** In support of the instant Motion,
22 the Parties state as follows:

23 **A. INTRODUCTION**

24 1. On March 23, 2018, the Court granted the parties Stipulated Motion to file
25 an Amended Complaint. Plaintiff filed the Amended Complaint on March 26, 2018
26 adding an additional defendant, Christopher Homes, LLC to the instant action.

27 2. Defendant Christopher Homes, LLC was served the Amended Complaint
28 on Friday, March 30, 2018, but has not yet appeared.

3. The Parties have conferred regarding this Motion and have agreed that, in light of the addition of defendant Christopher Homes, LLC, to the litigation, the deadlines reflected in the Stipulated Discovery Plan and Scheduling Order, entered on January 10, 2018 (Dk. 10), should be amended in order that defendant Christopher Homes, LLC may enter an appearance and participate in the litigation.

B. PROPOSED AMENDMENTS TO THE DISCOVERY PLAN

The parties propose the following amendments to the current Stipulated Discovery Plan and Scheduling Order:

A. Discovery Cut-Off Date(s): The proposed cut-off date for discovery shall be Friday, December 21, 2018.

C. FRCP Rule 26(a)(2) Disclosure of Experts: Disclosure of experts shall proceed according to FRPC Rule 26(a)(2) and LR 26-1(e)(3) as follows: The disclosure of experts and their reports shall occur on or before October 22, 2018. The disclosure of rebuttal experts and their reports shall occur on or before November 21, 2018.

D. Dispositive Motions: The parties shall have until January 21, 2019 to file dispositive motions. This is 30 days after the discovery cut-off date, as required by LR 26-1(e)(4). In the event that the discovery period is extended beyond the proposed cut-off date set forth above, then the date for filing dispositive motions shall be extended no later than thirty (30) days from the new discovery cut-off date.

E. Pre-Trial Order: The parties will prepare a Consolidated Pre-Trial Order on or before February 21, 2019, which is not more than 30 days after the date set for filing dispositive motions in the case, as required by LR 26-1(e)(5). This deadline will be suspended if dispositive motions are timely filed until 30 days after the decision of the dispositive motions or until further order of the Court. The disclosure required by FRCP Rule 26(a)(3), and objections thereto, shall be made in the pre-trial order.

K. Interim Status Report: The joint interim status report required by LR 26-3 shall be filed no later than February 22, 2019, or sixty (60) days prior to the close of discovery in the event that the discovery period is extended beyond the proposed cut-off

1 dates set forth above.

2 The parties stipulate and agree that paragraphs F-J and L-O of the Stipulated
3 Discovery Plan and Scheduling Order dated January 10, 2018, shall remain unchanged.

4 WHEREFORE, the Parties jointly request that the Court grant this Motion to
5 Amended the Stipulated Discovery Plan and Scheduling Order.

6 DATED this 2nd day of April, 2018.

7
8 SNELL & WILMER, LLP

BAUMAN LOEWE WITT & MAXWELL

9 /s/ Alexandria Layton
10 By: _____

/s/ Paul T. Landis
By: _____

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IT IS SO ORDERED


UNITED STATES MAGISTRATE JUDGE

DATED: this 14th day of May, 2018